

## **REMARKS**

This is a full and timely response to the non-final Office Action of January 20, 2006. Reexamination, reconsideration, and allowance of the application and all presently pending claims are respectfully requested.

Upon entry of this Second Response, claims 1-15 and 17-32 are pending in this application. The specification and claims 1, 6-9, 12, 17, 19, and 21 are directly amended herein. Further, claims 23-32 are newly added, and claim 16 is canceled. It is believed that the foregoing amendments add no new matter to the present application.

### **Response to §102 Rejections**

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. See, *e.g.*, *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983).

#### **Claim 1**

Claim 1 presently stands rejected under 35 U.S.C. §102 as allegedly being anticipated by *Ziegler* (U.S. Patent No. 6,801,307). Claim 1, as amended, reads as follows:

1. A telecommunication test unit for evaluating the performance of a data link, the test unit comprising:
  - a rear module;
  - a front module for controlling the test unit and processing performance information indicative of the performance of the data link; and
  - an application module electrically connected and mechanically secured between the rear module and the front module, wherein the application module is coupled to the data link and is configured to provide the performance information to the front module; and

***a multi-position foot for positioning the test unit in different orientations***, the multi-position foot comprising:

  - a first pivotable support arm coupled to a first bar having a slotted retainer; and

an adjustment rod extending into the slotted retainer, the adjustment rod movable to different slots of the slotted retainer, wherein the test unit is placed in a different orientation by moving the adjustment rod to a different one of the slots. (Emphasis added).

Applicants respectfully assert that *Ziegler* fails to disclose at least the features of claim 1 highlighted hereinabove. Accordingly, the 35 U.S.C. §102 rejection of claim 1, as amended, is improper.

In this regard, *Ziegler* discloses a modular measuring or testing device. However, *Ziegler* fails to disclose at least a “multi-position foot” that may be used to place the modular measuring or testing device in a different orientation, as described by claim 1. Therefore, Applicants respectfully submit that *Ziegler* fails to disclose each feature of pending claim 1, and the 35 U.S.C. §102 rejection of this claim should be withdrawn.

#### **Claims 2-5, 20, and 23**

Claims 2-5 and 20 presently stand rejected in the Office Action under 35 U.S.C. §102 as allegedly being anticipated by *Ziegler*. Further, claim 23 has been newly added via the amendments set forth herein. Applicants submit that the pending dependent claims 2-5, 20, and 23 contain all features of their respective independent claim 1. Since claim 1 should be allowed, as argued hereinabove, pending dependent claims 2-5, 20, and 23 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

### Claim 6

Claim 6 presently stands rejected under 35 U.S.C. §102 as allegedly being anticipated by *Ziegler*. Claim 6, as amended, reads as follows:

6. A method for providing a test unit to obtain performance information of a data communication link, the method comprising the steps of:  
***providing a back module with a power source;***  
providing a front module for controlling the test unit and receiving performance information;  
selecting an application module adapted for monitoring the performance of one or more data links; and  
stacking the front module, application module, and back module in sequence and electrically connecting and mechanically securing the modules together so that the stacked modules form the test unit; and  
***providing electrical power from the power source of the back module to the application module.*** (Emphasis added).

Applicants respectfully assert that *Ziegler* fails to disclose at least the features of claim 6 highlighted hereinabove. Accordingly, the 35 U.S.C. §102 rejection of claim 6, as amended, is improper.

In this regard, *Ziegler* discloses a modular measuring or testing device. Further, *Ziegler* discloses that a “power supply” may be connected through an “electrical interface 11.” See column 4, lines 46-54. However, *Ziegler* fails to disclose that the “power supply” is located in a “back module,” as described by claim 6. Therefore, Applicants respectfully submit that *Ziegler* fails to disclose each feature of pending claim 6, and the 35 U.S.C. §102 rejection of this claim should be withdrawn.

### Claim 7

Claim 7 presently stands rejected under 35 U.S.C. §102 as allegedly being anticipated by *Ziegler*. Claim 7, as amended, reads as follows:

7. A system for providing a multifunction test unit, the system comprising:  
    ***a back module having a power supply;***  
    a front module having control logic for controlling the system and processing performance information; and  
    two or more application modules secured between the back module and the front module wherein each of the application modules is adapted to provide performance information about a different type of communication link, wherein each application module furnishes performance information to the front module, and ***wherein the power supply of the back module provides electrical power to the each of the application modules.*** (Emphasis added).

For at least reasons similar to those set forth hereinabove in the arguments for allowance of claim 6, Applicants respectfully assert that *Ziegler* fails to disclose at least the features of claim 7 highlighted hereinabove. Accordingly, the 35 U.S.C. §102 rejection of claim 7 is improper and should be withdrawn.

### Claim 9

Claim 9 presently stands rejected under 35 U.S.C. §102 as allegedly being anticipated by *Ziegler*. Claim 9, as amended, reads as follows:

9. A method of stacking and latching electronic modules to provide a test apparatus the method comprising the steps of:  
    positioning a front module to receive an application module;  
    placing a first application module on the front module and electrically coupling the first application module to the front module and then latching the application module to the front module;  
    stacking and latching one or more additional application modules to the first application module, thereby increasing the functionality of the test apparatus; and  
    securing a back module to the last application module of the stacking step;  
    ***pivoting a first support arm about a point on the test apparatus, the first support arm having a slotted retainer; and***

***moving an adjustment rod to different slots of the slotted retainer such that an orientation of the test apparatus is changed.*** (Emphasis added).

Applicants respectfully assert that *Ziegler* fails to disclose at least the features of claim 9 highlighted hereinabove. Accordingly, the 35 U.S.C. §102 rejection of claim 9 is improper and should be withdrawn.

In this regard, *Ziegler* discloses a modular measuring or testing device. However, *Ziegler* fails to disclose changing an orientation of such a device by moving an “adjustment rod” to different slots of a “slotted retainer,” as described by pending claim 9. Accordingly, Applicants respectfully submit that *Ziegler* fails to disclose each feature of claim 9, and the 35 U.S.C. §102 rejection of this claim should be withdrawn.

#### **Claims 10-15 and 29**

Claims 10-15 presently stand rejected in the Office Action under 35 U.S.C. §102 as allegedly being anticipated by *Ziegler*. Further, claim 29 has been newly added via the amendments set forth herein. Applicants submit that the pending dependent claims 10-15 and 29 contain all features of their respective independent claim 1. Since claim 1 should be allowed, as argued hereinabove, pending dependent claims 10-15 and 29 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

### Claim 17

Claim 17 presently stands rejected under 35 U.S.C. §102 as allegedly being anticipated by *Ziegler*. Claim 17, as amended, reads as follows:

17. A telecommunication test unit for evaluating the performance of a data link, the test unit comprising:  
a first module having control logic; and  
a plurality of removable application modules stacked on and communicatively coupled to the first module the application modules configured to respectively perform different types of tests on at least one data link, ***each of the application modules having a rotatable latch that rotates to mate with a respective latch of another of the application modules,***  
wherein the control logic is configured to receive diagnostic information from each of the application modules and to provide an output indicative of the diagnostic information. (Emphasis added).

Applicants respectfully assert that *Ziegler* fails to disclose at least the features of claim 17 highlighted hereinabove. Accordingly, the 35 U.S.C. §102 rejection of claim 17, as amended, is improper.

In this regard, *Ziegler* discloses a modular measuring or testing device. However, *Ziegler* fails to disclose that any of the modules of the modular measuring or testing device has a “rotatable latch that rotates to mate with a respective latch” of another module. Therefore, Applicants respectfully submit that *Ziegler* fails to disclose each feature of pending claim 17, and the 35 U.S.C. §102 rejection of this claim should be withdrawn.

### Claims 18, 30, and 31

Claim 18 presently stands rejected in the Office Action under 35 U.S.C. §102 as allegedly being anticipated by *Ziegler*. Further, claims 30 and 31 have been newly added via the amendments set forth herein. Applicants submit that the pending dependent claims 18, 30, and 31 contain all features of their respective independent claim 17. Since claim 17 should be

allowed, as argued hereinabove, pending dependent claims 18, 30, and 31 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

### **Claim 21**

Claim 21 presently stands rejected under 35 U.S.C. §102 as allegedly being anticipated by *Ziegler*. Claim 21, as amended, reads as follows:

21. A method for evaluating the performance of data links, comprising the steps of:  
providing a telecommunication test unit having an output module;  
stacking at least a first application module and a second application module on the output module, each of the first and second application modules removable from the telecommunication test unit;  
***securing the first application module and the second application module, the securing step comprising the step of rotating a respective latch on each of the application modules until said respective latch mates with another latch on one of the other modules;***  
testing a first data link via the first application module;  
testing a second data link via the second application module; and  
outputting from the output module diagnostic information based on each of the testing steps. (Emphasis added).

For at least reasons similar to those set forth hereinabove in the arguments for allowance of claim 17, Applicants respectfully assert that *Ziegler* fails to disclose at least the features of claim 21 highlighted hereinabove. Accordingly, the 35 U.S.C. §102 rejection of claim 21 is improper and should be withdrawn.

### **Claims 22 and 32**

Claim 22 presently stands rejected in the Office Action under 35 U.S.C. §102 as allegedly being anticipated by *Ziegler*. Further, claim 32 has been newly added via the amendments set forth herein. Applicants submit that the pending dependent claims 22 and 32 contain all features of their respective independent claim 21. Since claim 21 should be allowed,

as argued hereinabove, pending dependent claims 22 and 32 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

#### **Claims 24-26**

Claims 24-26 have been newly added via the amendments set forth herein. Applicants submit that the pending dependent claims 24-26 contain all features of their respective independent claim 6. Since claim 6 should be allowed, as argued hereinabove, pending dependent claims 24-26 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

#### **Claims 27 and 28**

Claims 27 and 28 have been newly added via the amendments set forth herein. Applicants submit that the pending dependent claims 27 and 28 contain all features of their respective independent claim 7. Since claim 7 should be allowed, as argued hereinabove, pending dependent claims 27 and 28 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

#### **Allowable Subject Matter**

Claims 8 and 19 have been indicated as allowable by the outstanding Office Action if such claims are rewritten to include the limitations of their respective base claims. Accordingly, pending claims 8 and 19 have been amended herein to include the features of their respective base claims, and Applicants respectfully request that the objections to these claims be withdrawn.

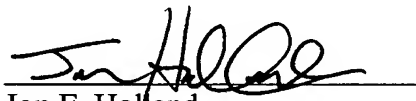


**CONCLUSION**

Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding Applicants' response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,

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